

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
NISHA BROOKS-WHITTINGTON  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Nisha\_Brooks-Whittington@fd.org  
6

7 Attorney for Kevin Figgers

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 KEVIN FIGGERS,  
14 Defendant.

Case No. 2:20-mj-00302-DJA

**ORDER TO CONTINUE**  
**PRELIMINARY HEARING**  
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between  
17 Nicholas A. Trutanich, United States Attorney, and Melanee Smith, Assistant United  
18 States Attorney, counsel for the United States of America, and Rene L. Valladares,  
19 Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public  
20 Defender, counsel for Kevin Figgers, that the Preliminary Hearing currently scheduled on  
21 June 19, 2020 at 4:00 p.m., be vacated and continued to a date and time convenient to the Court,  
22 but no earlier than sixty (60) days.

23 ///

24 ///

25 ///

26

1 The Stipulation is entered into for the following reasons:

2 1. Defense counsel needs additional time to meet with her client to discuss the  
3 case and if necessary, to prepare for the preliminary hearing. The parties are involved in  
4 discussions and may possibly negotiate this case which may obviate the need for a preliminary  
5 hearing.

6 2. The defendant is incarcerated and does not object to the continuance.

7 3. The parties agree to the continuance.

8 4. The additional time requested by this stipulation is excludable in computing the  
9 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
10 United States Code, Section 3161(b), considering the factors under Title 18, United States  
11 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this  
12 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the Speedy  
13 Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under Title 18,  
14 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

15 5. This continuance is not sought for purposes of delay, but to account for the  
16 Court's limited resources and the necessary social-distancing in light of the COVID-19 public  
17 health emergency.

18 6. Denial of this request could result in a miscarriage of justice, and the ends of  
19 justice served by granting this request outweigh the best interest of the public and the defendant  
20 in a speedy trial.

1 This is the second stipulation to continue filed herein.

2 DATED this 18th day of June 2020.

3 RENE L. VALLADARES  
4 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

5 /s/ Nisha Brooks-Whittington  
6 By \_\_\_\_\_

/s/ Melanee Smith  
By \_\_\_\_\_

7 NISHA BROOKS-WHITTINGTON  
Assistant Federal Public Defender

MELANEE SMITH  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4  
5 Plaintiff,  
6 v.  
7 KEVIN FIGGERS,  
8 Defendant.

Case No. 2:20-mj-00302-DJA

**ORDER**

9  
10 IT IS ORDERED that the Preliminary hearing currently scheduled for Friday,  
11 June 19, 2020 at 4:00 p.m., be vacated and continued to August 21, 2020, at the hour  
12 of 4:00 p.m. in Courtroom 3A.

13 18th  
14 DATED this \_\_\_\_ day of June 2020.



15  
16 DANIEL J. ALBREGTS  
17 U.S. Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26